

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THE AMERICAN MEDICAL ASSOCIATION,	:	
et al.,	:	
	:	MASTER FILE NO.
Plaintiffs	:	00 Civ. 2800 (LMM)(GWG)
	:	
v	:	
	:	
UNITED HEALTHCARE CORPORATION,	:	
et al.,	:	
	:	
Defendants	:	
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**NOTICE OF FILING OF CORRECTED THIRD AMENDED CONSOLIDATED
COMPLAINT IN MDL 2074 RELATING TO UNITEDHEALTH GROUP, INC. AND
INGENIX, INC.'S REPLY TO VALERIE AND DARRYL SAMSELL'S OBJECTION TO
UNITEDHEALTH GROUP, INC. AND INGENIX, INC.'S MOTION FOR ORDER
ENFORCING SETTLEMENT RELEASES AND INJUNCTION AGAINST
SETTLEMENT CLASS MEMBERS DARRYL AND VALERIE SAMSELL**

Darryl and Valerie Samsell, through their undersigned specially appearing attorneys, hereby notify the Court of the filing of a Corrected Third Amended Consolidated Complaint ("Corrected Third Complaint") in *In re WellPoint, Inc. Out-of-Network "UCR" Rates Litigation*, Master Consolidated Case File No. 2:09-ml-02074-PSG, MDL 2074, (*In re WellPoint*), to bring to the Court's attention a correction to an inadvertent error in the prior pleading, which error UnitedHealth Group, Inc. ("United") and Ingenix, Inc. ("Ingenix") have sought to exploit in their Reply in Support of their Amended Motion For Order Enforcing Settlement Releases and Injunction Against Settlement Class Members Darryl and Valerie Samsell in the above captioned action¹. See Dkt. No. 570.

¹ United and Ingenix filed their original Motion on July 21, 2011 which was directed to Dr. Michael Pariser and North Peninsula Surgical Center in addition to the Samsells. Dr. Pariser and North Peninsula Surgical Center subsequently dismissed their claims. United and Ingenix thereafter filed the operative Amended Motion respecting just the Samsells, but, the amended pleading was in substance identical to the original motion.

The Corrected Third Complaint was filed because the Third Amended Consolidated Complaint contained an inadvertent error in paragraph six (6) regarding Darryl and Valerie Samsell, incorrectly listing the Samsells among other Plaintiffs in *In re WellPoint* that had withdrawn or otherwise resolved their claims against United and Ingenix. In their Reply to Darryl and Valerie Samsell's Objection to UnitedHealth, Inc. and Ingenix, Inc. Motion For Order Enforcing Settlement Releases and Injunctions filed in this court, United and Ingenix cite paragraph six (6) of the Third Amended Consolidated Complaint in support of their claim that the Samsells have "dropped their claims against the United Defendants." *See* United and Ingenix's Reply Memorandum, Dkt. No. 582, at p.1. The Corrected Third Complaint is attached hereto as Exhibit "A".

Specially appearing counsel for Darryl and Valerie Samsell hereby notify the Court of the filing of the Corrected Third Complaint in *In re WellPoint*, which pleading corrected the misstatement respecting the Samsells. To be clear, the Samsells have not withdrawn or dropped their claims against United and Ingenix in *In re WellPoint*; they intend to proceed as is their right.

Respectfully submitted,

Dated: October 26, 2011

/s/ Robert G. Hughes, Esq.
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*Specially Appearing Counsel for
Darryl and Valerie Samsell*

CERTIFICATE OF SERVICE

I, Robert G. Hughes, Esq., hereby certify that on October 26, 2011, a true and correct copy of the foregoing Notice of Filing Corrected Third Amended Consolidated Complaint in MDL 2074 Relating to UnitedHealth Group, Inc. and Ingenix, Inc.'s Reply to Valerie and Darryl Samsell's Objection to United HealthGroup, Inc. and Ingenix, Inc.'s Motion for Order Enforcing Settlement Releases and Injunctions Regarding Darryl and Valerie Samsell was served on all counsel of record via CM/ECF notification.

/s/ Robert G. Hughes, Esq.
Robert G. Hughes